

Message Text

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PAGE 01 SAN SA 03313 01 OF 02 181648Z
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C O N F I D E N T I A L SECTION 1 OF 2 SAN SALVADOR 3313

E.O. 11652: GDS
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SUBJECT: HUMAN RIGHTS EVALUATION REPORT

REFS: (A) STATE 140421, (B) SAN SALVADOR 1628,
(C) SAN SALVADOR 3119, (D) LUBENSKY/MATHEWS
(ARA/CEN) TELCON JUNE 13

FOLLOWING IS RUSHED FIRST DRAFT OF HUMAN RIGHTS EVALUATION
REPORT AS BASIS FOR FURTHER DEPARTMENT CONSIDERATION. IT
INCLUDES EXPRESSIONS OF IMMEDIATE CONCERNS AND RECOMMENDATIONS
FOR EARLY ACTION ON WHICH WE ASK DEPARTMENT'S GUIDANCE.

A. CONDITION OF HUMAN RIGHTS IN EL SALVADOR. FOUR
FACTORS ADVERSELY AFFECT HUMAN RIGHTS OBSERVANCE IN EL SALVADOR:
TI- POLICE PRACTICES AND ATTITUDES, HERITAGES EVEN
FROM COLONIAL TIMES.

- THE GOVERNMENT'S OBSESSION OVER PERCEIVED INTERNATIONAL
COMMUNIST THREAT, MANIFESTED IN A RELATIVELY LOW LEVEL
SUBVERSIVE INSURGENCY, WITH OBSESSION KEPT INTENSIVELY ALIVE
BY MEMORIES OF THE 1932 COMMUNIST-INSPIRED PEASANT
UPRISING.

- LOW LEVEL OF POLITICAL DEVELOPMENT WHICH DENIES
TO THE PUBLIC EFFECTIVE MECHANISMS FOR DISSENT
OR COMPLAINT AND MAKES JUSTICE AVAILABLE ONLY TO
THE RICH AND INFLUENTIAL.

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PAGE 02 SAN SA 03313 01 OF 02 181648Z

- A SOCIAL STRUCTURE AND ATTITUDE WHICH ALLOWS TOO LITTLE
ATTENTION TO THE NEEDS OF THE MASS OF THE PEOPLE.
WITHIN THIS FRAMEWORK, EL SALVADOR GIVES THE SUPERFICIAL
APPEARANCE OF A PEACEFUL COUNTRY, WITH LITTLE OBVIOUS
VIOLATION OF HUMAN RIGHTS EXCEPT FOR THE BLATANT LACK OF
OPPORTUNITY FOR ECONOMIC ADVANCEMENT.

1. RESPECT FOR THE INTEGRITY OF THE PERSON: ESPECIALLY FOR THOSE CONSIDERED POLITICAL ENEMIES OF THE STATE (I.E. PRO-COMMUNIST), TORTURE; CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT INCLUDING SEXUAL SADISM; INVASION OF THE HOME; ARBITRARY ARREST AND IMPRISONMENT; DENIAL OF A FAIR PUBLIC TRIAL; AND EVEN SUMMARY EXECUTION REPORTEDLY OCCUR ESPECIALLY DURING TIMES OF POLITICAL TENSION. ANY ONE ARRESTED CAN EX

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PECT NOT ONLY INADEQUATE FACILITIES AND PROCEDURAL DELAYS, BUT ALSO CRUEL TREATMENT SUCH AS TYING OF THUMBS, CHAINING TO BEDSTAEDES, FORCED STANDING, OR HODDING DURING INTERROGRATIONS. RELATIONS WITH THE US HAVE BEEN EXACERBATED BY SITUATIONS INVOLVING HUMAN RIGHTS OF AMERICAN CITIZENS,-- THE RICHARDSON CASE (AMERICAN CITIZEN WE BELIEVE WAS KILLED BY SALVADORAN SECURITY FORCES), TORTURE OR DEGRADING TREATMENT OF OTHER AMERICAN CITIZENS, AND THE PROBLEM OF DENIAL OF CONSULAR ACCESS AND NOTIFICATION OF RIGHT TO COMMUNICATE WITH THE CONSULAR POST UNDER THE VIENNA CONVENTION ON CONSULAR RELATIONS. SITUATION AND PRACTICES DESCRIBED ABOVE ARE OF SPORADIC NATURE AND DO NOT AT PRESENT CONSTITUTE QTE CONSISTST PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS UNQTE, AS DEFINED IN LAW.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

A AND B. BASIC FREEDOMS: EXCEPT IN TIMES OF POLITICAL TENSION, PEOPLE CAN MOVE FREELY THROUGHOUT COUNTRY AND
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PAGE 03 SAN SA 03313 01 OF 02 181648Z

GENERALLY CAN ASSEMBLE FOR PEACEFUL PURPOSES, INCLUDING RELIGIOUS SERVICES. PEOPLE CAN DEPART THE COUNTRY FAIRLY EASILY SUBJECT TO BUREAUCRATIC CHECKING AND DOCUMENT-ATION. FREEDOM OF PRESS AND OTHER PUBLIC MEDIA IS NOMINAL AND AT LEAST AUTO-CENSORSHOP AND POST-CONTROL IS IN EFFECT. IN TIMES OF POLITICAL TENSION THESEHAREEDOMS MAY BE GREATLY RESTRICTED.

C. DEMOCRATIC PROCESSES: THERE IS FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS, BUT THIS PROCESS HAS NOT BEEN TOLERANT OF ORGANIZAE DISSENT OR OPPOSITION, AND HAS ASSURED CONTINUED VICTORY OF THE MILITARY-CONTROLLED GOVERNMENT PARTY. DEFERENCE TO ORGANIZED OPPOSITION HAS BEEN MAINLY TO GIVE APPEARANCE OF FUNCTIONING DEMOCRACY. DISSENT IS RESTRICTED TO THE WEALTHY CLASSES AND IS HIGHLY SUBTLE. DEMONSTRATION OF OPPOSITION BY THE POOR MASSES, UNIVERSITY STUDENTS OR OTHER SUCH GROUPS IS GENERALLY NOT TOLERATED OR IS KEPT CAREFULLY IN BOUNDS, EVEN THOUGH THERE HAS BEEN AT TIMES RESTRAINT TO AVOID CONFRONTATION.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES.

A. (TO BE SUBMITTED SEPARATELY).

B. CORRUPTION IS WIDESPREAD AMONG THE RULING MILITARY

CLASS AND GOVERNMENT BUREAUCRACY. THIS CORRUPTION
DIVERTS RESOURCES MAINLY FROM THE WEALTHY TO THOSE MILITARY
CHOSEN TO FILL INFLUENTIAL POSITION OR TO THEIR CIVILIAN
CHOORTS SUCH AS JUDGES AND OTHERS IN APPOINTIVE
POSITIONS. THE WEALTHY ELITE MAINTAIN THEIR POSITION OR
POWER BY VIRTURE OF THE SOCIAL AND ECONOMIC STRUCTURE OF
THE COUNTRY, WHICH THE PAST ADMINISTRATION WAS UNABLE TO CHANGE.
IN SPITE OF INAUGURAL PROMISES TO THE CONTRARY, WE ALSO DOUBT
THE NEW ADMINISTRATION WILL BE ABLE TO MAKE ANY REAL PROGRESS
ON REFORMS, AND WILL PROBABLY CONTINUE TO RELY ON
PUBLIC WORKS TO IMPRESS THE MASSES, AND FEAR TO KEEP THEM
IN BOUNDS.

4. SINCE ONLY GOVERNMENTS CAN VIOLATE HUMAN RIGHTS, THE
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PAGE 04 SAN SA 03313 01 OF 02 181648Z

GOVERNMENT IS RESPONSIBLE FOR THE VIOLATIONS WHICH OCCUR.
HOWEVER, THE GOVERNMENT IS A PRODUCT OF THE ENTIRE SOCIETY
AND OF THE HISTORY OF THE SALVADORAN PEOPLE. OBSERVANCE
OF HUMAN RIGHTS IS AJQICULATED AS PUBLIC POLICY.
REFERENCE IS MADE TO PAST SOCIAL ADVANCES INCLUDING EARLY
FREEING OF SLAVES. EL SALVADOR HAS JOINED IN INTERNATIONAL
DECLARATIONS OF ADHERENCE TO PRINCIPLES OF HUMAN RIGHTS
AND HAS THE USUAL ARRAY OF BILL OF RIGHTS STATEMENTS IN
ITS CONSTITUTION. SECURITY CONSIDERATIONS MAY RISE
ABOVE BASIC HUMAN RIGHTS, HOWEVER, AND AS STATED TO
AMBASSADOR LOZANO BY THE RECENT PRESIDENT NEED FOR PUBLIC
ORDER TRANSCENDS CONSTITUTIONAL L\$4-,533 . THERE IS NOW
FEAR THAT THE CHURCH IS PENTRATED BY SUBVERSIVE-COMMUNIST
AGENTS IN THE GUISE OF LIBERAL PRIESTS, AND RECENT
VIOLENCE AND THREATS BY A REACTIONARY ORGANIZATION
AGAINST THEM, THE WHITE WARRIOR UNION, APPEAR TO BE TOLERATED.
THE RESULTANT POSITION
OF CONFRONTATION WITH THE CHURCH
PUTS THE GOVERNMENT IN A DELICATE POSITION.

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PAGE 01 SAN SA 03313 02 OF 02 181711Z
ACTION ARA-14

INFO OCT-01 ISO-00 DHA-02 SS-15 SP-02 CIAE-00 INR-07
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C O N F I D E N T I A L SECTION 2 OF 2 SAN SALVADOR 3313

5. THE PRESENT GOVERNMENT WILL PROBABLY STUBBORNLY
REFUSE TO TAKE ANY POSITIVE ACTION IN THE FACE OF WHAT
IT CONSIDERS OUTSIDE PRESSURES. ANY OUTSIDE INVESTIGATION
OF ITS ALLEGED HUMAN RIGHTS VIOLATIONS IS CONSIDERED
PRESSURE, AND IF BY GOVERNMENT, INTERVENTION. EL
SALVADOR'S RENUNCIATION OF MILITARY ASSISTANCE IN
PROTEST OVER US CONGRESSIONAL HEARINGS ON EL SALVADOR'S
HUMAN RIGHTS AND POLITICAL SITUATION DEMONSTRATES
ITS SENSITIVITY. THUS PUNITIVE MEASURE TO PRESSURE
TACTICS MAY BE COUNTER-PRODUCTIVE. BUT WE HOPE THAT

INTERNAL PRESSURES, THE POWER
OF EXAMPLE, QUIET PERSUASION
AND THE REALITIES OF THE SITUATION, WILL
RESULT IN SERIOUS
MEASURES TO IMPROVE THE SITUATION.

B. ANALYSIS AND RECOMMENDATIONS.

1. A. SIEGITIMATE OBJECTIVES. WITH REGARD TO VIOLATION
OF RIGHTS TO AMERICAN CITIZENS THE FOLLOWING SHOULD BE OUR
MINIMUM OBJECTIVES FOR THE NEXT THREE MONTHS OR LESS,
TO ALLOW KD TO FOLD BACK THE PAGE ON THESE CASES AND MOVE TOWARD
RESTORATION OF MORE OR LESS NORMAL RELATIONS: (1) RICHARDSON
CASE--(A) RECEIPT OF REPORT FROM GOES OF ATTORNEY GENERAL'S
INVESTIGATION, WHICH WE SHOULD EXPECT TO SHOW SERIOUS
BUT NOT NECESSARILY SUCCESSFUL EFFORT TO DETERMINE
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PAGE 02 SAN SA 03313 02 OF 02 181711Z

WHAT HAPPENED; AND (B) ASSURANCE BY PRESEVB SALVADORAN
GOVERNMENT THAT RIGHTS OF AMERICAN CITIZENS WILL IN FUTURE
BE GUARANTEED AND INDIVIDUAL POLICE OR OTHER OFFICIAL
VIOLATORS WILL BE PUNISHED IN ACCORDANCE SALVADVPN LAW (THIS
WOULD ALSO TAKE CARE OF RESPONSE IN CASES IN WITHHOLDING
TREATMENT
OF THE AMERICAN CITIZENS).

(2) RECEIPT OF GOES ASSURANCES THAT VIENNA
CONVENTION ON CONSULAR RELATIONS (ART 36) WILL BE OBSERVED
AND THAT MEASURES HAVE BEEN TAKEN TO INSTRUCT PERSONNEL OF
NATIONAL POLICE, NATIONAL GUARD AND OTHER ENTITIES ON ACTIONS
REQUIRED IN CASES OF ARREST OR DETENTION OF FOREIGNERS.

(3) WE CANNOT DAPECT OR INSIST ON ANSWER FROM

ROMERO TO VANCE/MOLINA LETTER OF MAY 24, 1977.

(4) IT IS IMPORTANT, IF NOT ESSENTIAL, THAT SOMETHING ALONG ABOVE LINES BE ACCOMPLISHED, AND WE BELIEVE THESE GOALS CAN BE ACCOMPLISHED THROUGH QUIET DIPLOMATIC REPRESENTATIONS HERE AND IN WASHINGTON. WE WOULD LIKE TO START ALONG THESE LINES HERE IMMEDIATELY. DEPT GUIDANCE REQUESTED.

(5) MEANWHILE, WE SHOULD CONTINUE TO INFORM INQUIRING AMERICANS OF THE SITUATION AND ADVISE ON PRECAUTIONS THEY SHOULD TAKE IN EL SALVADOR, BEING PREPARED TO INSIST THAT THIS IS NOT PUNITIVE MEASURE BUT A MEASURE BASED ON PRIMORDIAL RESPONSIBILITY OF A GOVERNMENT, AND ITS DIPLOMATIC AND CONSULAR SERVICES, TO PROTECT ITS OWN CITIZENS.

B. THE GENERAL HUMAN RIGHTS SITUATION PRESENTS QUITE A DIFFERENT AND PROBABLY MORE DIFFICULT PROBLEM.

(1) THE IMMEDIATE PROBLEM IS THAT OF THE THREAT TO JESUIT PRIESTS AND THE CONGRESSIONAL HEARINGS ON RELIGIOUS PERSECUTION SCHEDULED JULY 21. IF WE WISH TO RETAIN OPTIONS TO IMPROVE THE HUMAN RIGHTS SITUATION AND OUR RELATIONS WITH EL SALVA

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DOR, IT IS IMPORTANT THESE HEARINGS
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PAGE 03 SAN SA 03313 02 OF 02 181711Z

NOT RESULT IN SANCTIONS, SUCH AS REDUCTION IN ECONOMIC ASSISTANCE, OR IN GOES OVER-REACTION AND UNILATERAL RENUNCIATION OF ASSISTANCE OR OTHER RELATIONS. OUR RECENT REPRESENTATIONS INFORMING GOES LEADERS OF SERIOUSNESS OF CURRENT SITUATION HAVE PROBABLY BEEN INTERPRETED AS PRESSURE AND THERE SEEMS LITTLE MORE THE EMBASSY CAN PRODUCTIVELY DO ON THIS BROADER HUMAN RIGHTS ISSUE. THE GOES MAY STILL ISSUE SOME STATEMENT OR RESPONSE TO A PRESS QUESTION EMPHASIZING ITS DETERMINATION TO PROTECT THE JESUITS FROM HARM. IT MAY ALSO ARRANGE FOR SOMEONE FROM THE PRIVATE SECTOR TO ASK TO BE PRESENT AT THE HEARINGS TO GIVE THE GOVERNMENT SIDE. DEPARTMENT OF STATE REPRESENTATIVE AT HARINS SHOULD EMPHASIZE US HOPE FOR POSITIVE GOES ACTIONS TO PROTECT JESUITS AND TO ESTABLISH PRODUCTIVE DIALOGUE WITH THE CHURCH. WHILE INSISTING US MUST EXPECT EARLY RESOLUTION OF CASES AND SITUATIONS INVOLVING AMERICAN CITIZENS, HE SHOULD RECOMMEND THAT ROMERO ADMINISTRATION BE GIVEN TIME TO ASSESS SITUATION, DEVELOP ITS OWN PLANS AND TACTICS, AND TAKE NECESSARY ACTION.

(2) THE LONGER TERM IS OF MORE SERIOUS CONCERN. IT IS DOUBTED THAT OBJECTIVES TO IMPROVE HUMAN RIGHTS IN EL SALVADOR CAN BE ACCOMPLISHED BY PUNITIVE ACTIONS SUCH AS VETO OF SAN LORENZO DAM LOAN IN IDB. EVEN THREATENING TO DO SO MAY RESULT IN ADVERSE REACTION AND GOES' SEEKING FINANCING (WITH PROBABLE SUCCESS) ELSEWHERE. THE MARGINAL PROPENSITY OF SUCH PEOPLE AS THE SALVADORANS TO SUFFER IS GREAT, ESPECIALLY IF PRIDE IS AT STAKE AND PARTICULARLY SINCE THE ELITE WILL NOT DO THE SUFFERING.

ECONOMIC ASSISTANCE, TOURISM, FOREIGN INVESTMENT, AS IMPORTANT AS THEY ARE TO EL SALVADOR AND ESPECIALLY TO THE WEALTHY INTERESTS, COULD BE SACRIFICED.

(OTHERS WOULD ARGUE WITH POSSIBLE VALIDITY, THAT OUR PRESSURE AND PUNITIVE MEASURES COULD RESULT IN DECISION OF PRESENT GOVERNMENT TO CHANGE OR IN OVERTHROW OF GOVERNMENT IN FAVOR OF ONE WHICH WILL BRING ABOUT REFORM AND CHANGE.)

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PAGE 04 SAN SA 03313 02 OF 02 181711Z

2. GOVERNMENT, ENTRENCHED ELITE AND US BUSINESS CONSIDER US HUMAN RIGHTS POLICIES MISGUIDED AND DAMAGING TO US-SALVADORAN

RELATIONS AS WELL AS TO STABILITY AND PUBLIC ORDER IN EL SALVADOR. THEY WANT TO BELIEVE USG HUMAN RIGHTS POLICY IS A PASSING THING AND PUSH FOR MODIFICATION OF THE POLICY. CHURCH, STUDENTS, FAMILIES OF THOSE AFFECTED BY GOES OPPRESSIVE MEASURES, AND PROBABLY THE QUIET SILENT MAJORITY UNQUOTE, HOWEVER, APPLAUD US EFFORTS. SOME OF THE LATTER PROBABLY WOULD ALSO URGE US PUNITIVE MEASURES AND STIFF PRESSURES TO BRING DOWN CURRENT REGIME, EVEN IF ALTERNATIVES ARE ANOTHER MILITARY REGIME, OR EXTREME LEFTIST REVOLUTIONARY TAKE-OVER. REASON AND LOGIC DICTATE A US COURSE OF ACTION SOMEWHERE BETWEEN THESE EXTREME POSITIONS, IF WE HOPE TO BRING ABOUT POSITIVE CHANGES IN HUMAN RIGHTS CONDITIONS AND AVOID NEGATIVE RESULTS. THUS, OUR FIRST OPTION FOR ACTION SHOULD BE QUIET DIPLOMACY BASED ON MUTUAL TRUST AND ON FRANK DISCUSSION OF SITUATION, OF WHAT REMEDIAL MEASURES MIGHT BE TAKEN, AND OF WHAT COULD BE AT STAKE. IN SPITE OF INDICATIONS THAT YEARS OF US PUBLIC SAFETY PROGRAM SEEMED TO HAVE LITTLE LASTING IMPACT, WE SHOULD EVEN CONSIDER REVIVAL (BY PROPOSALS TO CONGRESS) OF SOME SORT OF POLICE ASSISTANCE, ESPECIALLY ALLOWING SUCH MEASURES AS SALE OF HANDCUFFS AND TEAR GAS, AND TRAINING IN MODERN POLICE METHODS. EVERY EFFORT SHOULD BE MADE TO MULTILATERALIZE THE US POSITION AND COURSE OF ACTION.

3. BASIC CHANGES IN THE HUMAN RIGHTS SITUATION IN EL SALVADOR WILL ONLY COME ABOUT, FIRST, BY A DETERMINATION ON THE PART OF THE SALVADORANS THEMSELVES, POSSIBLY ENCOURAGED BY OUTSIDE INFLUENCES; AND SECOND, WITH PATIENCE, AND TRIAL AND ERROR, OVER THE LONG RUN. IF THE US WISHES TO INFLUENCE THE PROCESS IT CAN DO SO

CONFIDENTIAL

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PAGE 05 SAN SA 03313 02 OF 02 181711Z

BEST BY MAINTAINING A DIALOGUE. WE MUST RECOGNIZE

THAT THE DESIRED DIALOGUE CAN BE CUT OFF BY OUR PRESSURE OR PUNITIVE MEASURES. AT SOME POINT US MAY BE REQUIRED BY LAW TO TAKE SUCH MEASURES TO ASSURE US MONEY WILL NOT BE SPENT TO SUPPORT A REGIME GROSSLY VIOLATING HUMAN RIGHTS, BUT WE CANNOT COUNT ON ASSUMED SALVADORAN DEPENDENCE ON THE US, IN THOSE CIRCUMSTANCES, TO BRING ABOUT IMPROVEMENT IN THE HUMAN RIGHTS SITUATION.

4. US INTERESTS ARE RELATIVELY IMPORTANT IN EL SALVADOR CONSIDERING ITS PROXIMITY, SMALL SIZE AND DENSE POPULATION. ALL INTERESTS LISTED IN THE PARM, ESPECIALLY THOSE BENEFITTING SELECT SECTORS OF AMERICAN SOCIETY, SUCH AS US RESIDENTS AND INVESTMENT IN EL SALVADOR, MAY BE PREJUDICED BY FURTHER DETERIORATION IN REGIONS OVER HUMAN RIGHTS ISSUES. CERTAINLY THE OBJECTIVE OF PROMOTING POLITICAL DEVELOPMENT MAY BE MOST PREJUDICED. WE STILL BELIEVE, HOWEVER, THAT A HOSTILE GOVERNMENT IN EL SALVADOR (SEE PARM), OR ONE WHICH HAS SUCCESSFULLY FOUND SUPPORT OR SOLACE IN OTHER RELATIONSHIPS, SUCH AS WITH TMR SOUTHERN CONE COUNTRIES, WOULD NOT POSE A THREAT TO SECURITY OF SHORES OR TERRITORY OF US. THIS ARGUES IN THE FINAL ANALYSIS, IN FAVOR OF RISKING CALCULATED MEASURES, AT SOME POINT, WHICH COULD RESULT IN ALIENATION OF THE GOVERNMENT OF EL SALVADOR, PROVIDED THEY STAND A CHANCE OF BRINGING ABOUT DESIRED CHANGE.

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